

# Hazardous Waste Connection

*Compliance Information for Generators in Kansas*

Spring/Summer 2000

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## INSIDE

Director's Notes ..... 2

**FOCUS ON...**New USDOT  
Regulations ..... 3

Upcoming Events ..... 4

## ILLEGAL DISPOSAL.....

### *A Reoccurring Violation*

*By Ron Smith, Chief, Compliance and Enforcement Unit*

If a KDHE hazardous waste inspector discovers illegal disposal, enforcement action, including a penalty, is likely. During the period of January 1999 through June 2000, over half of our enforcement actions involved violations for illegal disposal. In all of the cases, the illegal disposal could have easily been prevented and generally didn't involve a waste that was being generated in large quantities. In many cases, contaminated rags meeting the definition of hazardous waste were being disposed of in the trash.

**What is illegal disposal?** Kansas Hazardous Waste law states "It shall be unlawful for any person to: (1) dump or deposit, or permit the dumping or depositing of any hazardous waste regulated by this act into any facility which does not comply with the provisions of this act or rules or regulations, standards or orders of the secretary..." or "(4) store, collect, treat, or dispose of hazardous waste contrary to the rules and regulations, standards or orders of the secretary."

(K.S.A. 65-3441). This statute clearly requires hazardous waste to be managed according to regulations which do not allow the disposal of regulated quantities of hazardous waste in the trash or on the ground.

**How do I determine if my wastes are hazardous?** Under the Kansas Law, each person generating a solid waste must determine if that waste is hazardous. This determination is made by following these steps. (1) Determine if the waste is excluded from

regulation; (2) if not excluded, is it a listed waste; and (3) if not listed, would the waste fail a characteristic? In most cases, submitting a sample to be tested for the Toxicity Characteristic Leaching Procedure (TCLP) is necessary to determine if it is a characteristic waste. The regulations also allow knowledge of the process or the original composition of the materials to be used in making this determination.

**What are regulated quantities of hazardous waste?** In Kansas, facilities that generate over 55 pounds per month of hazardous waste are regulated. To calculate your generation rate, add together the quantities of all hazardous wastes you generate. For example, your facility may generate waste parts wash solvent, waste paint thinner, and shop rags contaminated with thinner. No matter how small, add up the total amount of hazardous wastes generated over the course of one month for each waste stream. If the combined total quantity is greater than 55 pounds a month, then each and every waste would need to be handled as a hazardous waste, even the rags if they meet the hazardous waste definition. Also, if hazardous wastes are accumulated in quantities greater than 55 pounds, then the wastes must be disposed at a commercial hazardous waste management facility.

*(Continued on Page 2)*

### *Hazardous Waste Connection*



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# The Temptation to Illegally Dispose Hazardous Waste

*By Bill Bider, Director, Bureau of Waste Management*

Every day workers and managers make decisions regarding how to manage the wastes which they generate. Most businesses have set up waste management systems designed to segregate hazardous waste from non-hazardous trash or liquid wastes which can sometimes be legally discharged to the sanitary sewer system. Hazardous waste management procedures usually require some additional efforts and almost always add to operating expenses. Most of us who have generated waste know there are temptations to sometimes bend the rules or even ignore them.

Thoughts may race through the mind of a worker when faced with a waste management decision. For example, "All I have is a couple of solvent contaminated rags. The satellite drum is a hundred feet away and I'm hot, tired, and it's almost time to go home. The trash dumpster is only a few feet away. Who would know or care if I wrap the rags up in this paper which also needs to go in the trash? What harm could a few rags do to anyone?"

Similarly, a small business owner who has been studying his poor financial condition learns that a cabinet is filled with many gallons of a chromium-containing metal finishing product that has an expired shelf life. It needs to be disposed of but he feels he cannot afford the cost of proper hazardous waste disposal. Thoughts creep into his mind: "This waste can be diluted and rinsed down the sewer. No one would ever know it. I could do it late one evening after everyone goes home. It won't do any harm."

These temptations and a thousand other scenarios confront workers every day. Even though rare, illegal disposal activities would probably cause little harm, impacts would be greatly magnified if many generators decided to illegally dump their waste. Workers who handle the waste could be harmed, wastewater treatment plants could be impacted, and land and water could be contaminated.

This message is meant to encourage you to resist the temptation to mismanage waste. I was a waste generator for much of my career and I know that even people who usually follow good management practice are sometimes tempted to forget about the rules "just this one time." The hazardous waste rules are designed to prevent impacts and to protect others from improper waste management. Please remember that your careless actions can affect others. Thanks.

*(Continued from Page 1)*

Facilities generating less than 55 pounds per month of hazardous wastes have a number of disposal options available to them. Remember, review your waste management practices to include all wastes generated at your facility. Insure that you know what is happening with the wastes at your facility and what is happening to the wastes when you're not present. Is the trash can a lot closer than the hazardous waste drum? Will the next inspector discover that these wastes are going into the trash rather than the hazardous waste accumulation container?

If you are having problems determining whether your wastes are hazardous or if you want to confirm that your disposal methods are satisfactory, please contact our department. We will help you work through the applicable regulations. We receive these kinds of calls routinely. Remember, there are no stupid questions. On the other hand, disposing of hazardous waste illegally isn't too smart and can be costly. Let us help you work through your hazardous waste problems.

## Illegal Disposal Penalties

***Under the Kansas Hazardous Waste laws, the penalty for disposing of hazardous waste illegally can be up to \$10,000 per violation each day the violation occurs.***





*By Sherry Davis, Pollution Prevention Specialist, KSU*

Beginning July 1, 2000, a new rule became effective for all businesses involved with transporting quantities of hazardous material(s) requiring hazard placarding. The rule was issued by the Office of Hazardous Material Safety and authorized by the Research and Special Programs Administration (RSPA) of the U.S. Department of Transportation (USDOT).

The rule requires all generators, shippers, and transporters of hazardous materials, *including hazardous waste*, requiring hazard placarding, to file a registration statement with the U.S. Department of Transportation and to pay an annual fee. The new requirements do not apply to federal, state or local governmental agencies. This new fee is to provide needed funds for grants distributed to states and Native American tribes for hazardous materials emergency response planning and training.

Each business subject to this regulation is required to submit a complete and accurate registration statement on USDOT Form F 5800.2 no later than June 30 for each registration year. Each registration year begins on July 1 and ends on June 30 of the following year. No persons required to file a registration statement may transport a hazardous material, or cause a hazardous material to be transported or shipped, unless they have a current Certificate of Registration. Permitting registration for one, two or three years on a single registration statement is permitted and fees are prorated for extended registration permits. The completed 2000-2001 registration statement and payment should have been submitted before July 1, 2000, or before engaging

in any of the activities requiring registration, whichever is later. Enforcement and penalties can be through local, state or federal agencies. If you need to register more quickly than normal procedures provide, expedited registration is possible by calling 800-942-6990.

The new regulation adopted a two-tiered fee schedule; \$300 annually for those registrants meeting the U.S. Small Business Administration (SBA) definition of a small business and \$2,000 annually for all other registrants. The SBA criteria for "small business" are established for each standard industrial classification (SIC) code, by number of employees or by total income. If a company engages in more than one business activity, the SIC code for the primary industry is the one that should be used. After determining registration applicability you must determine which registration fee applies - based on whether a company is considered a small business according to the number of employees or millions of dollars in earnings or receipts. Guidance to help determine your SIC code is given at the OSHA Web site <http://www.osha.gov/oshstats/sicser.html>. Once your SIC code is determined, you can decide whether your company meets the criteria as a "small business" by visiting SBA's site on the Internet. A complete list of the SBA criteria by SIC can be found at the SBA Internet site at <http://www.sbaonline.sba.gov/regulations/siccodes>. The USDOT Registration Form F 5800.2 can be downloaded from <http://hazmat.dot.gov/register.htm>. For more information or to obtain an informational fact sheet, call the Pollution Prevention Institute at Kansas State University, 800-578-8898.

*So what's the plain language way to tell if this regulation affects your business?*

*It's easy. The first thing you must determine is whether the shipment of hazardous materials you offer for transport requires the transporter to placard his vehicle. Then you must determine whether your business is classified as a small business.*

***Placarding is required when a hazardous material, including a hazardous waste, is shipped:***

- ✓ *In non-bulk containers (containers having capacities less than 120 gallons),*
- ✓ *and in a one-time shipment of more than 1,000 pounds total gross weight (not cumulative);*
- ✓ *and the hazardous material is in a hazard class that requires placarding.*

*For example: The new registration regulations requirement would apply if (1) your business offered three 55-gallon drums of hazardous waste for shipment from your site, (2) the total shipment was more than 1,000 pounds, and (3) the material you were shipping required hazard placarding by DOT regulations.*

264-21

ADDRESS CORRECTION REQUESTED



## Upcoming Events

September 12 -13, 2000

Kansas Environment: Future Challenges, A conference for businesses, industries, government and community leaders, consultants, and others interested in the Kansas Environment, Capitol Plaza Hotel and Manor Conference Center, Topeka, Kansas Call Ricquelle at 785-296-6603 for registration information.

## ☎ Important Hazardous Waste (HW) Program Phone Numbers

### Kansas Department of Health & Environment (KDHE)

Clyde D. Graeber, Secretary ..... 785/296-0461

#### KDHE - Division of Environment

Ronald Hammerschmidt, PhD, Director ..... 785/296-1535

#### KDHE - Bureau of Waste Management ..... 785/296-1600

Bill Bider, Director ..... 785/296-1612

a. Mary Bitney, Technical Support Section Chief . 785/296-1603

b. John Mitchell, W. P. P. & O. Section Chief ..... 785/296-1608

c. Dennis Degner, PhD, Permitting Section Chief . 785/296-1601

Mostafa Kamal ..... 785/296-1609

Ron Smith ..... 785/296-1604

David Branscum ..... 785/296-6898

George McCaskill ..... 785/296-1606

Linda Prockish ..... 785/296-0005

Mark Duncan ..... 785/296-1614

Lynda Ramsey ..... 785/296-0681

#### KDHE - District Office Inspectors

Northeast - Lawrence ..... 785/842-4600

Southeast - Chanute ..... 316/431-2390

North Central - Salina ..... 785/827-9639

South Central - Wichita ..... 316/337-6020

Northwest - Hays ..... 785/625-5663

Southwest - Dodge City ..... 316/225-0596

EPA RCRA Hotline ..... (800) 424-9346

KDHE Public Advocate ..... 785/296-0669  
toll free for long distance ..... (800) 357-6087

#### Kansas State University (KSU)

##### Pollution Prevention Institute/Small Business

Environmental Assistance Program (SBEAP) ..... 785/532-6501

SBEAP - Hot Line ..... (800) 578-8898

#### University of Kansas (KU)

SBEAP - Resource Library ..... 785/864-3968

BWM Fax ..... 785/296-8642  
email ..... shawks@kdhe.state.ks.us

### HOW MAY WE DIRECT YOUR CALL....

EPA ID numbers ..... David Branscum

Compliance Assistance Outreach Program ..... Mary Bitney

General HW Generator questions ..... Ron Smith

Groundwater Monitoring ..... Mark Duncan

HW Complaints ..... Lynda Ramsey or Ron Smith

HW Notification questions ..... David Branscum

HW Permits ..... Mostafa Kamal

HW Regulation information .. John Mitchell or George McCaskill

HW Transporter Registration information ..... Linda Prockish

PCB, TSCA and/or CERCLA ..... George McCaskill

Newsletter Contact ..... Mary Bitney